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17 CITY OF ANTIOCH

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARK OWENS JORDAN, *PRO PER*

Case No.

Plaintiff,

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(a)**

v.

CITY OF ANTIOCH,

Contra Costa Superior Court Case C20-00976
State Action Filed June 1, 2020

Defendant.

Trial Date: None Set

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE THAT Defendant City of Antioch (“Defendant”) hereby removes this action from the Superior Court of the State of California, Contra Costa County, to the United States District Court for the Northern District of California. Removal is proper and based upon, *inter alia*, the following grounds:

REMOVAL PROCEDURE

1. On June 1, 2020, Plaintiff Mark Owens Jordan (“Plaintiff”) commenced an action in the Superior Court of the State of California, County of Contra Costa, entitled *Mark Owens Jordan v City of Antioch*, Case No. C20-00976.

1 2. On June 2, 2020, Plaintiff served Defendant with a copy of the Summons and
 2 Complaint. Defendant received the Complaint for the first time on June 2, 2020. A true and
 3 correct copy of the Complaint, all process, pleadings, and orders served upon Defendant, and
 4 Defendant's answer, which was filed in the Superior Court of the State of California, Contra Costa
 5 County, and served on Plaintiff prior to removal, are attached hereto as **Exhibit A**.

6 3. No other parties have been named or served as additional defendants in this action.

7 4. Defendant files this Notice of Removal within one year of the date the action was
 8 originally filed, and within 30 days of receipt of the Complaint by Defendant. Accordingly,
 9 removal is timely pursuant to 28 U.S.C. § 1446(b).

10 5. Promptly after filing this Notice of Removal, Defendant shall give written notice of
 11 the removal to Plaintiff (the only adverse party), and will file a copy of such notice with the Clerk
 12 of the Superior Court of the State of California, Contra Costa County, as provided in 28 U.S.C. §
 13 1446(d).

14 6. This Notice of Removal is hereby filed in accordance with 28 U.S.C. § 1446 and
 15 signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

16 **JURISDICTION (FEDERAL QUESTION)**

17 7. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1331.

18 8. A district court has original jurisdiction over all civil actions "arising under" the
 19 Constitution and laws of the United States. 28 U.S.C. § 1331.

20 9. In the Complaint, Plaintiff alleges, *inter alia*, violations of Plaintiff's rights under
 21 the U.S. Constitution. Accordingly, Plaintiff alleges causes of action that "arise under" federal
 22 law, making this a civil action over which this Court has original jurisdiction under 28 U.S.C. §
 23 1331. *Bank of Lake Tahoe v. Bank of Am.*, 318 F.3d 914, 917 (9th Cir. 2003), as amended on
 24 denial of reh'g and reh'g en banc (Mar. 14, 2003) (violations of rights under the U.S. Constitution
 25 are construed as "allegations under the umbrella of § 1983"). This action may, therefore, be
 26 removed to this Court pursuant to 28 U.S.C. § 1441(a).

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1 **VENUE**

2 10. Removal to this specific District Court is proper, pursuant to 28 U.S.C. § 1441(a),
3 because the Complaint was filed in Contra Costa County, California, a place embraced by this
4 District Court.

5 WHEREFORE, Defendant hereby gives notice that the above-described action, pending
6 against Defendant in the Superior Court of the State of California, Contra Costa County, is hereby
7 removed to this court.

8
9 DATED: July 2, 2020

MEYERS, NAVÉ, RIBACK, SILVER & WILSON

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11 By: /s/ David Mehretu
12 DAVID MEHRETU
13 Attorneys for Defendant
14 CITY OF ANTIOCH
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